

CHAPTER 9
INDIGENT DEFENSE CLAIMS PROCESSING

481—9.1(232,815) Definitions. As used in these rules, unless the context otherwise requires, the following definitions apply:

“*Attorney*” means an individual licensed to practice law by the Iowa supreme court.

“*Claim*” means an application or request for payment.

“*Claimant*” means a person, firm, association, partnership, corporation, or other business entity authorized by law to apply to the indigent defense fund, pursuant to Iowa Code section 815.11, for payments for services provided to, or made on behalf of, an indigent. In juvenile cases, “claimant” may also include a county.

“*County base*” means the amount of private attorney, witness and mileage fees in juvenile cases for which the county remains liable pursuant to Iowa Code section 232.141.

“*Court-appointed attorney*” means an attorney appointed by the court to represent an indigent person whether the attorney is a public defender or private attorney.

“*Date of service*” means “date of service” as defined by the state public defender in rule 493—7.1(13B,815).

“*Department*” means the department of inspections and appeals.

“*Expert witness*” means a person who is retained to render an opinion regarding an issue relevant to a case, whether or not the person actually testifies in court.

“*Indigent*” means a person entitled to legal representation as defined in Iowa Code section 815.9.

“*Private attorney*” means an attorney who is not a public defender.

“*Public defender*” means an attorney who is the state public defender, an assistant state public defender, the state appellate defender, an assistant state appellate defender, a local public defender, or an assistant local public defender.

“*State public defender*” means the state public defender appointed pursuant to Iowa Code chapter 13B and those other persons authorized to act on behalf of the state public defender.

“*Timely claims*” means claims processed prior to the close of the state’s fiscal year accounting books for the fiscal year of the date of service.

481—9.2(815) Claims submitted by a public defender. The department shall process and forward for payment claims submitted by a public defender that are approved by the state public defender and comply with requirements of the department of revenue and finance.

The department will notify the state public defender prior to modifying a claim, except for modifications resulting from a mathematical calculation error.

Timely claims will be submitted to the department of revenue and finance for processing and payment. Claims that are not timely claims will be submitted to the state appeal board for processing and payment.

481—9.3(815) Claims submitted by a private attorney. The department shall process and forward for payment claims submitted by a private attorney for court-appointed attorney fees and costs for legal representation of an indigent if the following conditions are met:

1. The claim has been approved for payment by the state public defender.

2. The claim complies with requirements of the department of revenue and finance.

Claims that do not comply with this rule will be returned by the department to the state public defender.

The department will submit timely claims to the department of revenue and finance for processing and payment. Claims that are not timely claims will be submitted to the state appeal board for processing and payment.

481—9.4(815) Claims submitted by a county. The department shall process and forward for reimbursement claims submitted by a county pursuant to Iowa Code section 232.141(3) if the following conditions are met:

1. The county submits a properly completed Report of Expenditures for Juvenile Justice Program form provided by the department.
 2. The report form contains the original signature of the county auditor or another authorized designee.
 3. The county submits one original and one copy of the payment order/payment voucher form.
 4. The county submits an itemization detailing the amounts for which reimbursement is sought and the manner in which each amount was calculated.
 5. The amounts for which reimbursement is sought are statutorily chargeable to the indigent defense fund.
 6. The county has timely paid its county base for the current fiscal year to the indigent defense fund.
 7. The report form and other required documents are submitted to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083.
 8. The claim has been approved for payment by the state public defender.
- Claims that do not comply with this rule will be returned to the state public defender.

481—9.5(815) Claims for other professional services. The department shall process claims for necessary and reasonable expenses for investigators, foreign language interpreters, expert witnesses, certified shorthand reporters, and medical/psychological evaluations if the claimant has an IRS form W-9 on file with the department and the claim conforms to the requirements of this rule.

9.5(1) Claims for investigative services. The department shall process and forward for payment claims for necessary and reasonable expenses for investigators if the following conditions are met:

a. The investigator submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the investigator was obtained before any expenses for the investigator were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order granting authority to hire the investigator.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for the necessary investigation.
- (3) An itemization of the investigator's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) A court order approving the dollar amount of the claim. For purposes of this subrule, if the court order authorizing hiring the investigator sets a limit for the claim, the court order approving the amount of the claim is unnecessary.

d. The claim is approved for payment by the state public defender.

The department will return claims that do not comply with this subrule to the state public defender.

9.5(2) *Claims for foreign language interpreters.* The department shall process and forward for payment claims for necessary and reasonable expenses for foreign language interpreters if the following conditions are met:

a. The interpreter submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the interpreter was obtained before any expenses for the interpreter were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order granting authority to hire the interpreter.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, makes one of the following specific findings:

1. The client is indigent, or
2. Although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services.

(3) An itemization of the interpreter's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date including the time services began and ended on each day, and the manner in which the amount of the claim for services was calculated.

(4) A court order approving the dollar amount of the claim. For purposes of this subrule, if the court order authorizing hiring the interpreter sets a limit for the claim, the court order approving the dollar amount of the claim is unnecessary.

(5) If the interpreter charges a "minimum" amount for services based on a specific time, a certification by the interpreter that no other services have been performed or charges made by the interpreter for any portion of that specific time.

d. The claim is approved by the state public defender.

The department will return claims that do not comply with this subrule to the state public defender.

9.5(3) *Claims for expert witnesses.* The department shall process and forward for payment claims for necessary and reasonable expenses for expert witnesses if the following conditions are met:

a. The expert witness submits an original and one copy of a signed claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the expert witness was obtained before any expenses for the expert witness were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order granting authority to hire the expert witness.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for necessary expert witness services.
- (3) An itemization of the expert witness's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.
- (4) A court order approving the dollar amount of the claim. For purposes of this subrule, if the court order authorizing hiring the expert witness sets a limit for the claim, the court order approving the amount of the claim is unnecessary.
- (5) If the expert charges a "minimum" amount for services based on a specific time, a certification by the expert that no other services have been performed or charges made by the expert for any portion of that specific time.

d. The claim is approved by the state public defender.

The department will return claims that do not comply with this subrule to the state public defender.

9.5(4) *Claims for certified shorthand reporters.* The department shall process and forward for payment claims for necessary and reasonable expenses for depositions and transcripts provided by certified shorthand reporters if the following conditions are met:

a. The certified shorthand reporter submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which the deposition/court proceeding commenced.
- (4) The date on which the transcript was ordered.
- (5) The date on which the transcript was delivered.
- (6) The number of pages and cost per page.
- (7) The total amount of the claim.
- (8) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the certified shorthand reporter was obtained before any expenses for the certified shorthand reporter were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order granting authority to hire the certified shorthand reporter.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for necessary certified shorthand reporter services.
- (3) An itemization of any additional services or charges based on some criterion other than cost per page.
- (4) If the certified shorthand reporter charges a "sitting fee" or "minimum" amount for services based on a specific time, a certification by the certified shorthand reporter that no other services have been performed or charges made by the certified shorthand reporter for any portion of that specific time.
- (5) If the certified shorthand reporter is a state employee, a certification by the certified shorthand reporter that none of the time for which the claim is being submitted is time for which the certified shorthand reporter was being paid by the state.

d. Unless the certified shorthand reporter has a contract with the state providing for a different rate or manner of payment, claims for certified shorthand reporter services will be limited to the rate approved by the Iowa supreme court for preparation of transcripts and other certified shorthand reporter services.

e. The claim is approved by the state public defender.

The department will return claims that do not comply with this subrule to the state public defender.

9.5(5) *Claims for court-ordered evaluations.* The department shall process and forward for payment claims for necessary and reasonable evaluations to establish a defense or to determine whether an indigent is competent to stand trial if the following conditions are met:

a. The person performing the evaluation submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to conduct the evaluation was obtained before any expenses for the evaluation were incurred.

c. One copy of each of the following documents is attached to the claim:

(1) The application and order granting authority to conduct the evaluation. This order must specify that the purpose of the evaluation is either to establish a defense to a pending charge or to determine whether an indigent is competent to stand trial.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for the evaluation.

(3) An itemization of the evaluator's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) A court order approving the dollar amount of the claim. For purposes of this subrule, if the court order authorizing the evaluation sets a limit for the claim, the court order approving the amount of the claim is unnecessary.

(5) If the evaluator charges a "minimum" amount for services based on a specific time, a certification by the evaluator that no other services have been performed or charges made by the evaluator for any portion of that specific time.

d. The claim is approved by the state public defender.

The department will return claims that do not comply with this subrule to the state public defender.

9.5(6) *Submission of claims.* Claims for payment for professional services provided to a public defender must be submitted to the public defender for whom the services were provided. Other claims for payment for professional services must be submitted to the state public defender at the following address: State Public Defender, Claims, Lucas State Office Building, Des Moines, Iowa 50319.

9.5(7) *Claims from state employees.* Claims submitted by state of Iowa employees must be submitted on a state travel voucher form.

9.5(8) *Claim form for other professional services.* Claimants other than state of Iowa employees shall use the following form in filing claims for investigative services, foreign language interpreters, expert witnesses, certified shorthand reporters and court-ordered evaluations.

INDIGENT DEFENSE MISCELLANEOUS CLAIM FORM			
1. CHECK THE BOX INDICATING THE TYPE OF CLAIM:			
<input type="checkbox"/> CERTIFIED SHORTHAND REPORTER <input type="checkbox"/> INVESTIGATOR <input type="checkbox"/> EVALUATION			
<input type="checkbox"/> EXPERT WITNESS <input type="checkbox"/> INTERPRETER _____ (LANGUAGE)			
<input type="checkbox"/> OTHER (EXPLAIN): _____			
2. CASE INFORMATION:			
COUNTY:		COURT NUMBER:	
COURT-APPOINTED ATTORNEY:			
TITLE OF CASE:			
CLIENT'S FULL NAME:			
3. CLAIM INFORMATION:			
CERTIFIED SHORTHAND REPORTER: DATE ORDERED ____/____/____ DATE DELIVERED ____/____/____			
ALL OTHER CLAIM TYPES: DATE SERVICES BEGAN ____/____/____ DATE SERVICES ENDED ____/____/____			
CLAIM TOTAL: \$			
4. APPROVAL:		CLAIM TOTAL: \$	
STATE PUBLIC DEFENDER			
5. CLAIMANT INFORMATION:		<input type="checkbox"/> Change of Information	
NAME:		E-MAIL:	
ADDRESS:		PHONE:	
CITY:	STATE:	ZIP:	FAX:
SS # OR FEDERAL ID #		ARE YOU A STATE EMPLOYEE? <input type="checkbox"/> YES <input type="checkbox"/> NO	
6. CERTIFICATION: I, THE UNDERSIGNED, CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.			
DATE: ____/____/____		CLAIMANT SIGNATURE:	

481—9.6(10A) Processing and payment. The department will submit timely claims to the department of revenue and finance for processing and payment. The department will submit claims that are not timely to the state appeal board for processing and payment.

481—9.7(10A) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the claimant, by the department, or otherwise, the claimant shall reimburse the indigent defense fund for the amount of the overpayment. An overpayment or double payment shall be repaid by check. The check, made payable to “Treasurer, State of Iowa,” together with a copy of the payment voucher containing the overpayment or double payment, shall be mailed to the Department of Inspections and Appeals, Indigent Defense Unit, Lucas State Office Building, Des Moines, Iowa 50319-0083. The claimant shall notify the clerk of court of the overpayment or double payment.

481—9.8(10A) Availability of records. Information collected by the state public defender or the department is available for public inspection and copying, unless otherwise prohibited by rule or law. Information will be provided when requested in writing from the Department of Inspections and Appeals, Fiscal Services Bureau, Lucas State Office Building, Des Moines, Iowa 50319.

These rules are intended to implement Iowa Code section 232.141 and chapters 10A and 815.

[Filed 4/22/92, Notice 2/5/92—published 5/13/92, effective 7/1/92]

[Filed 4/25/03, Notice 3/19/03—published 5/14/03, effective 6/18/03]